

Timeline-Quick Reference Guide

APPEALS

A) Petitions for Reconsideration:

- a. Within **20 days** after service of the decision. Labor Codes §§5900 & 5903.
- b. Answer shall be filed **10 days** (+5 for mailbox rule) after service of the Recon. Labor Code §5905
- c. Petition deemed denied unless it is acted upon within **60 days**.

B) Petitions for Removal:

- a. Within 20 days after service of the decision. 8 CCR 10843.

C) Petitions for Writ of Review.

- a. Within **45 days** after a Denial of a petition for reconsideration, or, if the Petition is granted, within 45 days after the filing of the order, decision, or award following reconsideration. Labor Code §5950 (**CCP 1013 extension does not apply.**) (*Camper case.*)
- b. Answer to writ is due **25 days** after service of the writ. Cal Rule of Court 8.495(b) (1).
- c. Reply to Answer may be filed **15 days** after Answer is filed Cal Rule of Court 8.495(b) (2).

D) Petition for Hearing (Supreme Court)

- a. Within **10 days** after the Court of Appeal decision is final. For purposes of this rule, the date of finality is not extended if it falls on a day on which the clerk's office is closed. Cal Rule of Court 8.500(e) (1). (**CCP 1013 extension does not apply**)
 - i. If the Writ is denied it is final immediately.
 - ii. If the Writ is granted the decision is final within **30 days**. Cal Rule of Court 8.264(b)

DECLARATIONS OF READINESS TO PROCEED

One must object, under penalty of perjury, within **10 calendar days** after service. 8 CCR 10744.

PANEL ISSUES

- A) **Objection to report of PTP:** Within 20 days from receipt of the report, if represented, and 30 days, if unrepresented. Labor Code §4062(a)
- B) **Panel Request:** If unrepresented the employer may not submit the request until after 10 days from when the form was provided to the employee. Labor Code §4062.1. If represented, "at least" 10 days after mailing a request for a 4060 evaluation or the first working day that is at least 10 days after the mailing of an objection pursuant to Labor Codes §§ 4061/4062.
- C) **Panel Strike:** If unrepresented, the defendants cannot select a doctor unless the applicant fails to do so for 10 days after the assignment of the panel. Labor Code §4062.1. If represented, within 10 days of the assignment of the panel each party may strike one name. Labor Code §4062.2(c)
- D) **Appointment set:** You can request a replacement panel if the QME cannot schedule an examination within 90 days of the initial request 8 CCR 31.5(a)(2)
- E) **Report Submitted:** For the initial report, the doctor has 30 days after the evaluation. 139.2(j) (1) (A). 8 CCR 38(a). The doctor has 60 days from request to issue a supplemental report. 8 CCR 38(i). (Some exceptions.)

PETITIONS FOR CONTRIBUTION

- A) Must be filed within **one (1) year** after the appeals board has made an award for compensation benefits. Labor Code §5500.5(e)

SERIOUS & WILLFUL MISCONDUCT/132a

- A) A Petition alleging S&W must be filed within **12 months** from the date of injury. Labor Code §5407
- B) A 132(a) petition may not be commenced more than **one (1) year** from the discriminatory act. Labor Code §132a

STATUTE OF LIMITATIONS

- A) **Notice of Injury:** Must be given within **30 days**. Labor Code §5400 (But see Labor Code §§ 5402 & 5403)
- B) **Filing an application: One (1) year** from any of the following: Labor Code §§5404 & 5405
 - a. The date of injury.
 - b. The last date benefits were paid.
- C) **Filing a Petition to Re-open**
 - a. **New and Further: 5 years** from the date of injury. Labor Code §5410
 - b. **Good Cause:** The WCAB has continuing jurisdiction over its Awards and can alter same within 5 years from the date of injury. Labor Code §§ 5803 & 5804.
- D) **Death Benefits**
 - a. Proceedings shall not be commenced more than **one (1) year** after the date of death, nor more than **240 weeks** from the date of injury. Labor Code §5406(b).

TTD

- A) **Limits on TTD payments**
 - a. For injuries between 4-19-2004 and 12-31-2007 **104 compensable weeks** within a **two (2) year** period from the date of commencement of TD payments. Labor Code §4656(c) (1).
 - b. For injuries **after 1/1/08 104 compensable weeks** within a **5 year** period from the DOI.
- B) **Petitions to Terminate TTD**
 - a. After an Award of TTD by the Appeals Board you have to file a Petition to Terminate TTD and there is a rebuttable presumption that the TTD continues for at least **one (1) week** following the filing of the Petition. Labor Code §4651.1.

UR/IMR

- A) **UR**
 - a. Prospective or concurrent decisions must be made “timely” not to exceed **5 working days** from receipt of the information reasonably necessary to make the determination but in no event more than **14 days** from the date of the medical treatment recommendation of the physician. Labor Code §4610(i)(1). 8 CCR 9792.9.1(e) (3)
 - i. Decision must be communicated to doctor by phone or fax within **24 hours**. Labor Code §4610(i)(4)(A)
 - ii. The communication by telephone shall be followed by a written communication to the physician and the applicant and their attorney within **24 hours** for concurrent review and **2 business days** for prospective review.
 - b. For imminent and serious threats to health the decision must be made within **72 hours** of receipt of the necessary information. Labor Code §4610(i)(3).
- B) **IMR**
 - a. Must be filed by the employee no later than **30 days** after the service of the UR. Labor Code §4610.5(h)
 - b. Insurance Company must provide relevant documents within **10 days** of notice from AD that and IMR has been filed. Labor Code §4610.5(l)

COVID 19 PRESUMPTIONS

- A) **March 19, 2020 to July 5, 2020**
 - a. Employees who worked at employer’s location from 3/19/20-7/5/20 & was first diagnosed with COVID 19 within 14 days of the last date of work at employer’s location. Labor Code §3212.86
 - b. Denial must be issued within **30 days** of claim form being filed. Labor Code §3212.87(f)
- B) **Peace Officers, Firefighters, Healthcare Workers**
 - a. Peace officers, firefighters, and healthcare workers who are diagnosed with COVID 19 up to 14 days from the last day worked. Labor Code §3212.87
 - b. Denial must be issued within **30 days** of claim form being filed.
- C) **All Other Employees**
 - a. All other employees who worked at the employer’s pace of employment at the employer’s direction & during an OUTBREAK & are diagnosed with COVID 19 within 14 days from last day worked. Labor Code §3212.88
 - b. Denial must be issued within **45 days** of claim form being filed.